

***A MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD
FEBRUARY 18, 2010 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz;
Mr. Chester W. Stribling; Mr. R. Holder Trumbo; Mr. Paul S. McCulla,
County Administrator; Mr. Kevin J. Burke, County Attorney

A B S E N T None

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

**A WORK SESSION TO REVIEW CURRENT FIRE RESCUE SERVICE DELIVERY
ABILITIES AND ESTABLISH COUNTYWIDE UNIFORMED SERVICE DELIVERY
EXPECTATIONS**

Thomas M. Billington, Fire Rescue Chief, reviewed with the Board of Supervisors current Fire Rescue service delivery abilities and the establishment of countywide uniformed service delivery expectations, and how current State and Federal mandates and industry standards may impact service delivery benchmarks.

**A JOINT WORK SESSION BETWEEN THE FAUQUIER COUNTY BOARD OF
SUPERVISORS AND THE VINT HILL ECONOMIC DEVELOPMENT AUTHORITY
BOARD**

Ike Broaddus, Chairman of the Board for the Vint Hill Economic Development Authority, briefed the Board of Supervisors on the Vint Hill Economic Development Authority's facilities plan, including a discussion of projects which have been completed and next items to be completed, and discussed the overall plan for the property.

**A WORK SESSION TO DISCUSS A RESOLUTION TO APPROVE A LAKE DRIVE
ALTERNATIVE PURSUANT TO THE BROOKSIDE FARM PROFFER STATEMENT,
ITEM III.C.2 (TRAFFIC CALMING MEASURES)**

Frederick, P.D. Carr, Director for the Department of Community Development, reviewed with the Board of Supervisors an updated resolution to be considered for the Lake Drive extension, including its associated street network, serving Brookside Communities and, indirectly, the adjoining neighborhoods of Waters Edge and Lakewood.

**A CLOSED SESSION PURSUANT TO SECTION 2.2-3711 (A)(7) OF THE CODE OF
VIRGINIA TO DISCUSS LEGAL MATTERS RELATED TO THE BISHOP'S RUN
FIRE STATION PROFFERS AND REGULATION OF WINERY BUILDINGS**

Mr. Nyhous moved to go into a closed meeting, pursuant to Virginia Code Section 2.2-3711(A)(7) of the Code of Virginia, to consult with legal counsel regarding specific legal matters

involving the Bishop's Run fire station proffers and regulation of winery buildings. Following discussion and upon the motion being seconded, the vote was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. R. Holder Trumbo; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

Upon reconvening from the closed meeting, Mr. Nyhous moved, without objection, to adopt the following certification:

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 18th day of February 2010, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

The meeting was reconvened in Regular Session at 6:30 P.M.

INVOCATION

Mr. Trumbo offered the invocation.

PLEDGE OF ALLEGIANCE

Mr. Trumbo led the pledge of allegiance.

ADOPTION OF THE AGENDA

Mr. Graham moved to adopt the agenda with the following changes. Mr. Nyhous seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*
Nays: *None*

Absent During Vote: ***None***
Abstention: ***None***

- Remove regular agenda item #10, A Resolution to Approve a Lake Drive Alternative Pursuant to the Brookside Farm Proffer Statement, Item III.C.2 (Traffic Calming Measures).
- Remove regular agenda items #11, Appeal of the Director of Community Development's Finding That Brookside Communities, LLC, Changes to the Concept Development Plan and Preliminary Plat Are Substantial Enough to Warrant Official Amendments to the 2002 Rezoning Concept Development Plan and Preliminary Plat.

CITIZENS' TIME

- Donielle Rininger, Marshall District; Joan Fries, Marshall District; Devon Draper, Markham; Kara Draper, Marshall District; Linda Bekermeier, Marshall District; Carly Goins, Marshall District; Amy Goins, Marshall District; Beth Greenawalt, Marshall District; Iain McCreary, Rectortown; Alex Goff, Marshall District; and Gage Tripp, spoke in support of the John Marshall Library.
- Mary Page, Scott District, expressed appreciation to the Board of Supervisors on behalf of the Ad Hoc Equestrian Committee for its continued work with the equestrian Ordinance.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Graham announced a Proclamation Declaring the Week of March 8 through March 14, 2010, as "MS Awareness Week" in Fauquier County.
- Mr. Graham presented to representatives of the Board of Assessors a Proclamation to Recognize the Board of Assessors for Their Outstanding Contributions to the Citizens of Fauquier County.

CONSENT AGENDA

Mr. Graham moved to adopt the following Consent agenda items. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

Ayes: ***Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo***
Nays: ***None***
Absent During Vote: ***None***
Abstention: ***None***

Approval of the Minutes of the January 14, 2010 Regular Meeting of the Fauquier County Board of Supervisors

A Resolution to Amend the FY 2010 Adopted Budget by \$2,887,007

RESOLUTION

A RESOLUTION TO AMEND THE FY 2010 ADOPTED BUDGET BY \$2,887,007

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 31, 2009 the Board of Supervisors adopted the Fauquier County FY 2010 Budget; and

WHEREAS, during the course of the fiscal years certain events occur that necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its meeting on January 7, 2010, the Finance Committee recommended for FY 2010, appropriations of \$2,887,007 and transfers of \$ 41,916 from the Capital Improvement Fund, \$855,000 from the Utility Fund and \$45,653 from the Contingency Reserve; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of February 2010, That the FY 2010 Budget be, and is hereby, amended in the amount of \$2,887,007 as indicated on the attached summary and an additional animal control officer is established and approved for the Office of the Sheriff.

February 18, 2010 Budget Action Summary

| Requesting Department | Action | Amount | Category | | Explanation |
|--|---|-------------|---|---|---|
| | | | From | To | |
| Consent Agenda | | | | | |
| FY 2010 | | | | | |
| Conservation Easement Service District | Herbert Wilson PDR Project | \$55,000 | Grant Funding | Conservation Easement Service District | Appropriates grant funding from the Piedmont Environmental Council for the purchase of development rights for the Herbert Wilson PDR Project. |
| Finance | Airport Sewer Tap Fees | \$36,000 | Sewer Tap Fees | Utility Fund | Appropriates sewer tap fees for seven businesses that are connected to the Airport sewer system. |
| Finance | Vint Hill Sewer Project | \$855,000 | Virginia Resource Authority | Utility Fund | Reimburses the Utility Fund for the County’s advance contribution toward the Vint Hill Farms Sewer Expansion Project. |
| Finance | Fauquier High School Renovation Project | \$507,150 | Bond Interest / School Construction Reserve Funding | Fauquier High School Renovation Project | Appropriates \$465,234 from the bond interest account and transfers \$41,916 from the School Division construction reserve account for design and construction administration services for the Fauquier High School Renovation Project. |
| School Division | National Board Certification | \$25,000 | State Revenue | School Operating Fund | Appropriates funding for incentive bonus for National Board Certified teachers. |
| School Division | ARRA Revenue | \$2,166,434 | Federal Revenue | School Operating Fund | Recognizes Federal Recovery Act funding for the Title 6-B and Special Education programs. |
| Sheriff’s Office | Edward Byrne Grant | \$57,076 | Federal Revenue | Sheriff’s Office | Appropriates Federal stimulus funding through the Edward Byrne Memorial Justice Assistance Grant for the purchase of six mobile data terminals. |
| Sheriff’s Office | Homeland Security Grant | \$64,710 | Federal Revenue | Sheriff’s Office | Appropriates Federal Homeland Security revenue for the purchase of seven mobile data terminals. |
| Social Services | DSS Processing Requirements | \$11,200 | Federal Revenue | Social Services | Appropriates federal funds for two part time temps to maintain compliance with SNAP, TANF Medicaid and General Relief processing requirements. |
| Volunteer Fire & Rescue Association (VFRA) | Virginia Department of Fire Programs | \$1,789 | State Revenue | VFRA | Appropriates revenue from the Department of Fire Programs to match the actual FY 2010 award. |
| Volunteer Fire & Rescue Association (VFRA) | Virginia Department of Fire Programs | \$4,564 | State Revenue | VFRA | Appropriates a Va Department of Fire Programs mini-training grant for the purchase of equipment and tools for use at the Fire Science Training Facility. |

| Regular Agenda | | | | | |
|-----------------------|----------|----------|---------------------|-------------------|--|
| Management and Budget | Donation | \$5,889 | Contingency Reserve | Boys & Girls Club | Transfers funding to reimburse the Boys & Girls Club for Fall 2009 real estate taxes per the June 11, 2009, direction of the Board of Supervisors. |
| Management and Budget | Transfer | \$19,329 | Contingency Reserve | General Registrar | Transfers funding to accommodate additional FY 2010 costs for the General Registrar. |
| Management and Budget | Transfer | \$20,435 | Contingency Reserve | Sheriff's Office | Transfers funding to reinstate one Animal Control position eliminated during the FY 2010 budget process. |

Resolution to Authorize the Donation of a Surplus Vehicle to the Fauquier County Volunteer Fire and Rescue Association

RESOLUTION

A RESOLUTION TO AUTHORIZE THE DONATION OF A SURPLUS VEHICLE TO THE FAUQUIER COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION

WHEREAS, the Fauquier County Volunteer Fire and Rescue Association has the need for a County Swift Water Rescue Vehicle (Boat Truck); and

WHEREAS, Eddie Payne, Chief, Marshall Volunteer Fire Company and Rescue, has identified a surplus vehicle, a 1997 Chevrolet Suburban, VIN# 1GNGK26F5VJ314879, that would meet the need and allow the Swift Water Rescue team to continue delivering excellent service to the citizens of Fauquier County; and

WHEREAS, the donation or transfer of a County-owned vehicle to an outside entity requires the approval of the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of February 2010, That the County Administrator be, and is hereby, authorized to take all actions necessary to donate the aforementioned surplus vehicle to the Fauquier County Volunteer Fire and Rescue Association.

A Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing

RESOLUTION

A RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING

WHEREAS, Fauquier County, Virginia (the “County”), intends to undertake various capital improvements for its school system, including without limitation renovations and expansions to Fauquier High School (collectively, the “Project”); and

WHEREAS, plans for the Project have advanced and the County expects to advance its own funds to pay expenditures related to the Project (the “Expenditures”) prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY, VIRGINIA:

1. The County intends to utilize the proceeds of tax-exempt bonds or taxable debt (the “Bonds”) in an amount not currently expected to exceed \$25,000,000 to pay the costs of the Project.

2. The County intends that the proceeds of the Bonds be used to reimburse the County for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date hereof. The County reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds or other debt.

3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the County so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County.

4. The County intends to make a reimbursement allocation, which is a written allocation by the County that evidences the County’s use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The County recognizes that exceptions are available for certain “preliminary expenditures,” costs of issuance, certain de minimis amounts, expenditures by “small issuers” (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The County intends that the adoption of this resolution confirms the “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This resolution shall take effect immediately upon its passage.

A Resolution to Authorize the Revisions of Human Resources Policy 26 - Reduction in Force

RESOLUTION

A RESOLUTION TO AUTHORIZE THE REVISIONS OF HUMAN RESOURCES POLICY 26 – REDUCTION IN FORCE

WHEREAS, the Fauquier County Board of Supervisors recognizes the need and the importance of maintaining up-to-date Human Resources Policies; and

WHEREAS, the Fauquier County Government Human Resources Policies are continually reviewed for necessary additions, revisions and deletions;

WHEREAS, it is recommended to adopt the revised Human Resources Policy 26, Reduction In Force; therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of February 2010, that Human Resources Policy 26, Reduction in Force, be, and is hereby, approved effective February 18, 2010.

HUMAN RESOURCES POLICY Fauquier County, Virginia

Policy Title: Reduction In Force
Section No.: 26

Effective Date: 02/118/10
Supersedes Policy: 12/10/09

I. **PURPOSE**

Reduction In Force procedures shall apply to all employees of Fauquier County. Management has the unilateral right to reduce personnel based on budget requirements, workload factors, reductions in services, or other relevant management considerations regardless of duration of the situation. The decision to eliminate services or reduce personnel shall be made by the County Administrator or by a department head/constitutional officer with the approval of the County Administrator. The Code of Virginia preserves as a non-grievable management right the ability of the County to define its method of reducing its workforce.

II. **SCOPE**

This policy applies to all employees.

III. **DEFINITIONS**

Affected/Active Position

Affected/active position is defined as the position in which an employee is actively employed at the time of the reduction in force directive.

Classification

The grouping of positions within a department that have the same responsibilities and duties performed; education, knowledge, experience and ability requirements; tests of fitness; and ranges of pay.

Department

Department is defined as a County department or constitutional office.

Probationary Appointment

Probationary appointment is defined as any employee serving the initial probationary period of a position.

Reduction in Force (RIF)

Reduction in force (RIF) is defined as a reduction in the number of approved positions because of lack of funds or work and/or the elimination of one or more program functions.

Seniority/Years of Service

Seniority/Years of Service is defined as the sum of the employee's continuous length of service with the County.

Temporary Appointment

Temporary appointment is defined as an employee working for a maximum period not to exceed twelve (12) months.

IV. **PROCEDURES**

- A. A Reduction in Force shall be declared by the Board of Supervisors after recommendation by the County Administrator.
 - 1. When a Reduction In Force (RIF) is declared, employees of selected classifications will be separated based upon the combined criteria of years of service in the position and quality of performance while in the position as set forth below.
 - 2. No career full-time or part-time employee shall be laid off from any position while any probationary employee's employment is continued in the same position classification.
 - 3. The department head/constitutional officer will meet with the Director of Human Resources and the County Administrator (or Deputy County Administrator, if appropriate) to review the reasons for the reduction in force, positions identified for elimination, employment dates in the

position, and position performance related information on all impacted employees. An employee's record should be evaluated for the total years of service with the county versus others in the same category. Where an employee with more years of service in a position is determined to be subject to the reduction in force the department head shall provide the County Administrator with a written explanation of the rationale and reasoning related to the employee's performance in that position which resulted in the employee being subjected to the reduction in force.

5. Whenever possible affected employees will be considered for transfers to a comparable vacant position within their department.
6. Employees whose positions are eliminated and whose performance is rated at a minimum of meets expectations shall be placed:
 - a) First, in available vacancies of the same classification or the same series at the same pay grade in the same County Department.
 - b) If no vacancies exist in the same classification, the employees may be considered for a demotion to a similar vacant position in the same County department.
7. Employees to be separated under this Reduction in Force Policy will be eligible for final payouts as per typical separation payout procedures and will be COBRA eligible.
8. Employees, who are not separated through the RIF, may be affected by the increased workload created by the loss of the RIF position. The Human Resources Department will work with departments to take action to assist employees with the transition.

B. Pay Provisions

1. An employee who accepts a demotion under this procedure is authorized to receive the compensation of the former grade and position for not more than three (3) months. During this "grandfather" period, the employee shall be entitled to merit pay increments or other general pay adjustments afforded to other employees.
2. If the employee remains in the position at the end of the three (3) month "grandfather" period, he/she shall be demoted to the grade to which the new position is allocated, and his/her salary shall be adjusted, in accordance with the policy governing demotion.
3. If the employee is returned to his/her active position within the one (1) year recall period, the rate of pay shall be consistent with the active position.

C. Notice Period and Severance Package

1. All permanent employees, probationary and career, shall be given a minimum of ten (10) working days notice of separation prior to layoff.
2. The Director of Human Resources shall prepare the written termination notice to all employees in affected positions. The original and a copy of all such notices shall be forwarded to the appropriate Department Head/Constitutional Officer who shall meet individually with each employee.
3. When severance pay is allocated for the purpose of a RIF, it will be paid at the rate of pay at the time of RIF.
4. Unless otherwise specified, severance and the right to be included on the recall list shall be forfeited by the employee who declines a transfer, reassignment, or demotion to another vacant position within the same County department during the RIF process.
5. An employee shall not accrue leave or other benefits related to severance pay.
6. Severance payments to an employee shall cease, if not exhausted, upon the re-employment of the employee to any paid status position in the County.
7. To receive the severance pay, the employee must have received a minimum of meets expectations on their performance evaluations. Severance pay is as follows:

| Completed Years of Service | Severance |
|----------------------------|----------------------|
| 0 - 3 years | 1 month base salary |
| 4-6 years | 2 months base salary |
| 6 years and above | 3 months base salary |

D. Transition Assistance

1. Career employees being separated as a result of a reduction in force shall be scheduled for a transition information session with a representative of the Human Resources Department.
2. Employees who are laid off under a reduction in force directive shall be entitled to unemployment compensation as provided by the Code of Virginia.
3. Employees who are laid off shall be paid for earned annual, sick or compensatory leave as provided for in Human Resources Policies.

E. Recall List

1. Any employee laid off and placed on a recall list shall be responsible for notifying the Human Resources Department of any change in address or telephone number.
2. Employees shall be notified to return to work by certified mail to the last known address in the Human Resources Department. Any individual who fails to advise the Human Resources Department of their intent to return to work within fourteen (14) calendar days of the date of the recall notification shall forfeit all further recall or employment rights.

F. Re-employment

Employees who have been separated from service under this policy are eligible for, but do not have a right of re-employment by the County. Applications will be subject to the competitive employment practices set forth in Human Resources Policy #11 Hiring.

G. Unfair Application Of Procedures

The Director of Human Resources is authorized to review records related to the reduction in force procedure and investigate allegations of unfair application of procedures. The Director of Human Resources' decision regarding the application of procedures under this policy is final and there are no rights to grieve any such decision.

H. State Funding/State Funded Positions

1. Any State funded position, which is supplemented by the County, may be subject to a reduction or elimination of the County supplement. This loss of County supplement may not ultimately result in a position reduction.
2. This policy shall not apply to Constitutional Officers who find it necessary to implement a reduction in force as a result of a reduction or elimination in State funding.

A Resolution to Authorize the County Administrator to Execute a Memorandum of Understanding with Virginia Department of Agriculture and Consumer Services (VDACS) for a USDA Specialty Crop Grant

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (VDACS) FOR A USDA SPECIALTY CROP GRANT

WHEREAS, Fauquier County orchards are an important component of our local agricultural economy drawing many consumers in search of pick-your-own fruit including peaches, apples, and berries; and

WHEREAS, in 2009, the Agriculture Development Department applied for a USDA Specialty Crop Grant to assist the orchard industry with plans to market more directly to ethnic populations in Northern Virginia and Washington D.C.; and

WHEREAS, the Virginia Department of Agriculture and Consumer Services has awarded Fauquier County a \$25,000 USDA Specialty Crop Grant to assist orchards in marketing to ethnic populations in Northern Virginia; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of February 2010, That the County Administrator be, and is hereby, authorized to execute a Memorandum of Understanding with Virginia Department of Agriculture and Consumer Services for a USDA Specialty Crop Grant.

A Resolution Adopting Disability Services Board Statement of Mission/Purpose, Revised Membership Requirements, and Work Plan

RESOLUTION

A RESOLUTION ADOPTING DISABILITY SERVICES BOARD STATEMENT OF MISSION/PURPOSE, REVISED MEMBERSHIP REQUIREMENTS, AND WORK PLAN

WHEREAS, the State mandate that localities establish and maintain Disability Services Boards has been suspended and unfunded; and

WHEREAS, it is the desire of the Board of Supervisors to maintain the Disability Services Board (DSB); and

WHEREAS, the DSB and staff have developed a statement of mission/purpose, revised membership requirements, and a work plan, and request the Board of Supervisors formally adopt these documents to update and clearly define the membership and role of the DSB; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of February 2010, That the Board of Supervisors does hereby repeal the resolution adopted May 6, 1993, establishing a Disability Services Board, and adopts the following statement of mission/purpose, membership guidelines, and work plan for the Disability Services Board.

Fauquier County Disability Services Board

Mission:

To promote the rights of persons with physical and sensory disabilities by identifying, communicating, and advocating for equality and independence in all community life.

Purpose:

To represent persons of all ages with physical and sensory disabilities in Fauquier County and:

- Provide information and resource referral to citizens and local governments regarding the Americans with Disabilities Act.
- Advise the elective bodies of Fauquier County regarding issues of importance to persons with physical and sensory disabilities.
- Review construction plans of new facilities and major renovations to ensure the projects are ADA compliant for the County government and School Division.
- Inform and educate the community about issues, barriers, and options, to ensure that persons with physical and sensory disabilities can participate to the fullest extent possible.
- Raise public awareness and advise long-range county and state planning agencies about the needs of area residents who have physical and/or sensory disabilities.
- Serve as a reference for county residents with disabilities; create support linkages between services for the disabled and residents that might find these services beneficial.
- Encourage and support communication among service providers to improve the coordination and the availability of services for persons with disabilities.
- Recognize outstanding efforts by individuals and businesses to accommodate and promote the inclusion of people with disabilities in the community.
- Exchange information with other County organizations and State DSBs regarding services to persons with physical and sensory disabilities and the best practices in the delivery of services.

Objective:

Develop and implement a yearly work plan that defines objectives, goals, and responsibilities.

Membership:

The Fauquier County Disability Services Board (DSB) shall comprise not more than ten members. Membership shall include, at a minimum:

- Director, General Services
- Director, Department of Social Services
- Town of Warrenton Representative
- Department of Special Education Representative
- A Business or Community Representative to be appointed by the Board of Supervisors
- Three (3) Individuals, or family member of individuals, with disabilities, to be appointed by the Board of Supervisors

No less than thirty percent (30%) of the members of the Disabilities Services Board shall be representatives of individuals, or family members of individuals, with physical, visual, or hearing disabilities.

As needed, other representatives may be invited to participate in DSB meetings from regional groups such as the Area Agency on Aging, CSB, Department of Fire, Rescue and Emergency Management, etc.

The Disabilities Services Board shall meet no less than once each calendar quarter.

Work Plan:

Disability Services Board members will be responsible for completing items on the work plan. Staff assistance will be available upon request. The DSB will prioritize and develop a schedule for completing the work plan.

1. Work with the Information Technology department to ensure a current directory of known area disability-related resources (counseling services, resources for parents and caregivers, Circuit Rider schedule, emergency preparedness, etc.) is maintained on the County website for easy access by individuals with disabilities and their caregivers. (Include disclaimer on website that we are not endorsing any particular company or service).
2. Meet with the Superintendent of Fauquier County Public Schools, as well as the Director of the Special Education department, to improve the exchange of information about improvements required to better accommodate children with disabilities.
3. Meet with the Board of Supervisors annually to provide ADA and DSB updates.
4. Work with the County Library to expand collections and services for individuals with disabilities.
5. Work with the Department of Fire, Rescue and Emergency Management to ensure the needs of people with physical and sensory disabilities are met in the event of an emergency.
 - a. Conduct outreach effort to individuals with disabilities and their caregivers to review emergency preparedness.
6. Promote awareness through recognition of agencies, businesses, and individuals who have provided outstanding service to people with physical or sensory disabilities, by awarding the Disability Friendly Business Award.
7. Partner with the local Center for Independent Living to inform the public about the Center's services.
8. Plan advocacy activities and programs for Disability History and Awareness Month (October). Collaborate with schools in the development of lesson plans.

9. Promote awareness through the local media about upcoming events, including Disability Awareness month (Fauquier Times Democrat, Discovery Value Publication, Parks and Recreation Good Times Newsletter, Warrenton Lifestyle Magazine, Fauquier County Disability Services Board webpage).
10. Update and explore ways to improve the quantity and quality of data collected in the tri-annual needs assessment survey in preparation for the 2012 Needs Assessment Survey.
11. Research various transportation and funding opportunities to help expand the current transportation options.
12. Develop and submit the rehabilitative services incentive fund (RSIF) grant applications, if funding is available.
13. Annually revise and update the DSB work plan, and develop goals and objectives for the coming year. Develop a timeline for the completion of goals and objectives.

A Resolution to Authorize the County Administrator to Renew Leases for Property: Morrisville Convenience Site

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO RENEW
LEASES FOR PROPERTY: MORRISVILLE CONVENIENCE SITE

WHEREAS, Fauquier County has existing leases with property owners Howard L. Grove, Co-Trustee, and Jane M. Grove, Co-Trustee, and property owner Daniel France for the Morrisville convenience site; and

WHEREAS, investments and improvements to the site have been made by the County; and

WHEREAS, the Morrisville convenience site is well located to serve this area of the County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this the 18th day of February 2010, That the County Administrator be, and is hereby, authorized to renew leases for the properties for the Morrisville convenience site.

A Resolution Endorsing the Journey Through Hallowed Ground Living Legacy Project Commemorating the Approximately 620,000 American Soldiers Who Lost Their Lives During the Civil War, Many on the Battlefields Within the Journey Through Hallowed Ground National Heritage Area

RESOLUTION

A RESOLUTION ENDORSING THE JOURNEY THROUGH HALLOWED GROUND
LIVING LEGACY PROJECT COMMEMORATING THE APPROXIMATELY 620,000
AMERICAN SOLDIERS WHO LOST THEIR LIVES DURING THE CIVIL WAR, MANY
ON THE BATTLEFIELDS WITHIN THE JOURNEY THROUGH HALLOWED GROUND
NATIONAL HERITAGE AREA

WHEREAS, the Journey Through Hallowed Ground Partnership (JTHG) is a non-profit organization dedicated to raising national awareness of the unparalleled history in the region, which generally follows the Old Carolina Road (Rt. 15/231) from Gettysburg, through Maryland, to Monticello in Albemarle, VA; and

WHEREAS, Journey Through Hallowed Ground has built a strong network of local, regional, and national partners to develop a common vision for the conservation and enhancement of the scenic, historic, recreational, cultural, and natural characteristics of the region; and

WHEREAS, Journey Through Hallowed Ground has developed an education outreach program to all students and teachers within the region and nationwide; and

WHEREAS, Journey Through Hallowed Ground has also created a heritage tourism program that will provide economic development opportunities through regional branding and cooperative marketing in communities throughout the corridor; and

WHEREAS, the U.S. Secretary of Transportation, Ray LaHood, has designated the 180-mile long thoroughfare running through the Journey, from Gettysburg, PA to Monticello, VA a National Scenic Byway which is one of the highest designations the Secretary can bestow upon a public road and one that could have a profound economic impact on the local jurisdictions along the Journey Through Hallowed Ground; and

WHEREAS, the Journey Through Hallowed Ground Partnership seeks to commemorate the Sesquicentennial of the Civil War with a legacy project of National Significance; and

WHEREAS, during the Civil War, approximately 620,000 American Soldiers died, many on the battlefields within the Journey Through Hallowed Ground National Heritage Area which the Journey Through Hallowed Ground Partnership proposes to commemorate through a “Living Legacy” project which will commemorate the individual and combined sacrifices of the fallen; and

WHEREAS, the Journey Through Hallowed Ground Living Legacy project is to plant one tree for each citizen who sacrificed their life to create this union, at a set pace along the 180-mile Rt.15/231 corridor which trees will appear as soldiers in formation, from Monticello to Gettysburg; and

WHEREAS, the intention of this “eloquent and simple plan” is to create a living legacy, a constant reminder to every citizen as they drive this route, of the sacrifices made by fellow Americans and will stand as a living legacy for our Countrymen who gave “the last full measure” to define our Union; and

WHEREAS, this project further lends itself to a national service learning program as students from around the country may research the fallen from their community, learn their stories, and dedicate a tree in their honor; and

WHEREAS, the Journey Through Hallowed Ground Partnership will be working through negotiations and agreements with individual landowners, thereby protecting individual property rights along the corridor during this initiative; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of February 2010, That Board of Supervisors does hereby endorse the Journey Through Hallowed Ground Living Legacy Project commemorating the approximately 620,000 American soldiers who lost their lives during the Civil War, many on the battlefields within the Journey Through Hallowed Ground National Heritage Area, provided, however, that such project shall be implemented in conformance with the County's Comprehensive Plan and Land Use Development Ordinances; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, directed to forward a copy of this resolution to the Journey Through Hallowed Ground Partnership.

A Resolution Confirming the Declaration of Local Emergency Made February 5, 2010

RESOLUTION

A RESOLUTION CONFIRMING THE DECLARATION OF LOCAL EMERGENCY MADE FEBRUARY 5, 2010

WHEREAS, on February 5, 2010, a significant winter storm was expected to disrupt public services to all Fauquier County citizens; and

WHEREAS, the disruption in services threatened the delivery of public safety services to all Fauquier County citizens requiring additional personnel, equipment and sheltering personnel to be on standby; and

WHEREAS, on February 5, 2010, the County Administrator for the County of Fauquier, on the recommendation of the Fauquier County Chief of the Department of Fire, Rescue and Emergency Management issued a Declaration of Local Emergency; and

WHEREAS, Section 44-146.21 of Code of Virginia (1950), as amended, requires the Board of Supervisors to confirm the Declaration of Local Emergency by the County Administrator; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors the 18th day of February 2010, That the Declaration of Local Emergency, as a result of winter storm conditions which was anticipated to disrupt public services in Fauquier County, Virginia, be, and is hereby, confirmed.

A Resolution for Subdivision Street Acceptance for the Jamison's Farm Subdivision: Mill Valley Drive, Eiseley Court, Angus Hill Drive, and Cattail Court, Scott Magisterial District

RESOLUTION

A RESOLUTION FOR SUBDIVISION STREET ACCEPTANCE FOR THE JAMISON'S FARM SUBDIVISION: MILL VALLEY DRIVE, EISELEY COURT, ANGUS HILL DRIVE, AND CATTAIL COURT, SCOTT MAGISTERIAL DISTRICT

WHEREAS, Mill Valley Drive, Eiseley Court, Angus Hill Drive, and Cattail Court as depicted on the attached site location map, and described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats of record in the Clerk's Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board of Supervisors that these streets meet the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

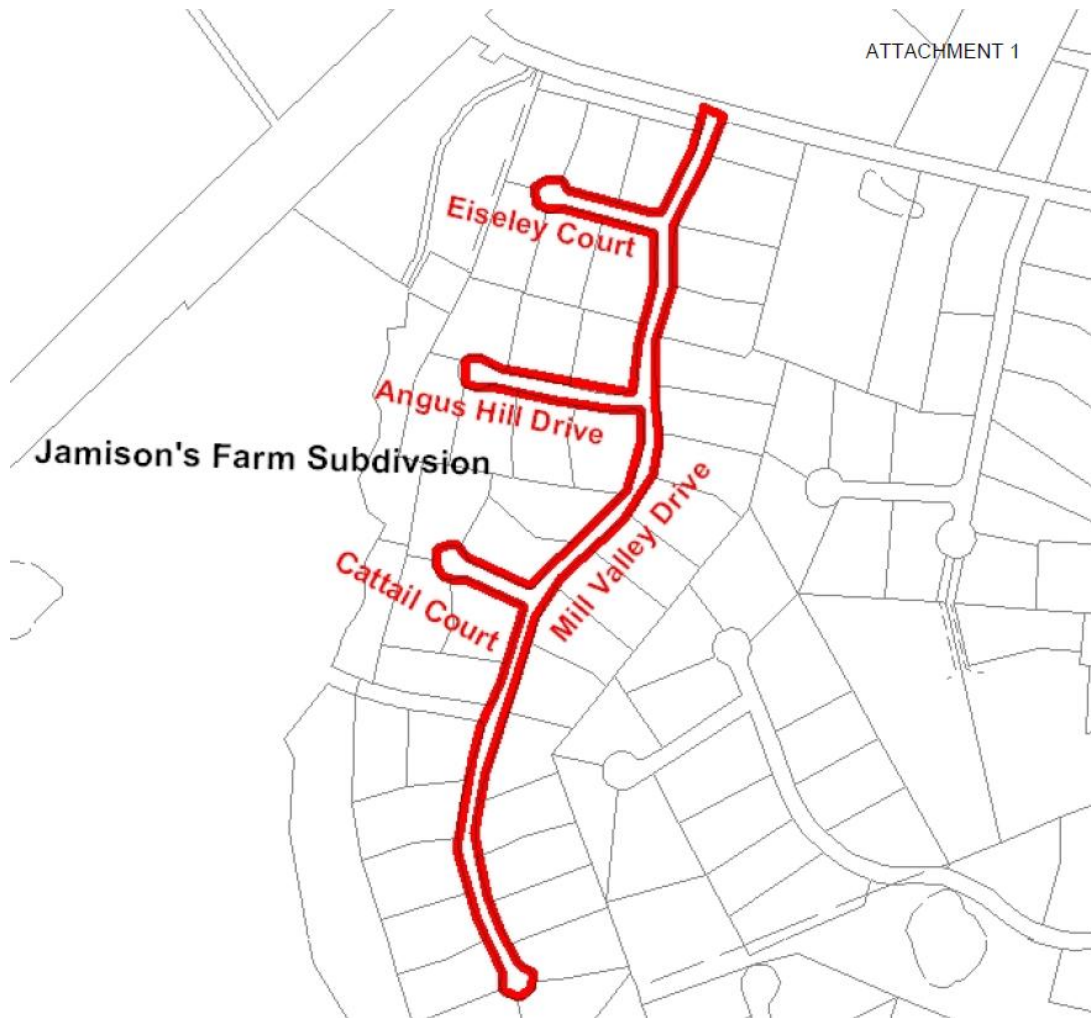
WHEREAS, the above streets serve a genuine public need; and

WHEREAS, in February of 1995, Fauquier County and the Virginia Department of Transportation entered into an agreement for comprehensive stormwater retention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of February 2010, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described streets into the Secondary System of State Highways for maintenance, as provided in Section 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That the Board of Supervisors guarantees the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty (50) feet in the Jamison's Farm Subdivision with necessary easements for cuts, fills, and drainage, as recorded in Deed Book 1111, Page 1775 approved on July 29, 2004; and Deed Book 1196 Page 441 approved on December 22, 2005 and; be it

RESOLVED FINALLY, That this resolution shall become effective and a certified copy will be forwarded to the Resident Engineer for the Virginia Department of Transportation.



In the County of Fauquier

By resolution of the governing body adopted February 18, 2010

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision **Jamison's Farm**

Type Change to the Secondary System of State Highways: **Addition**

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right-of-way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: **New subdivision street**

Pursuant to Code of Virginia Statute: **§33.1-229**

Street Name and/or Route Number

► **Mill Valley Drive, State Route Number 1387**

Old Route Number: 0

- From: CL of Baldwin St, Rte 673
To: 336 ft S to CL of Eiseley Ct, Rte 1388, a distance of: 0.06 miles.
Recordation Reference: DB 1111 PG 1775
Right-of-way width (feet) = 50

► **Mill Valley Drive, State Route Number 1387**

Old Route Number: 0

- From: CL of Eiseley Ct, Rte 1388
To: 502 ft S to CL of Angus Hill Dr, Rte 1389, a distance of: 0.10 miles.
Recordation Reference: DB 1111 PG 1775
Right-of-way width (feet) = 50

► **Mill Valley Drive, State Route Number 1387**

Old Route Number: 0

- From: CL of Angus Hill Dr, Rte 1389
To: 711 ft S to CL of Cattail Ct, Rte 1390, a distance of: 0.13 miles.
Recordation Reference: DB 1111 PG 1775
Right-of-way width (feet) = 50

VDOT Form AM-4.3 (4/20/2007), Asset Management Division

Page 1 of 2

Report of Changes in the Secondary System of State Highways

► Mill Valley Drive, State Route Number 1387

Old Route Number: 0

- From: CL of Cattail Ct, Rte 1390
To: 345 ft S to CL of Jamison's Farm Dr, a distance of: 0.06 miles.
Recordation Reference: DB 1196 PG 441
Right-of-way width (feet) = 50

► Mill Valley Drive, State Route Number 1387

Old Route Number: 0

- From: CL of Jamison's Farm Dr
To: 876 ft S to Cul-de-sac, a distance of: 0.17 miles.
Recordation Reference: DB 1196 PG 441
Right-of-way width (feet) = 50

► Eiseley Court, State Route Number 1388

Old Route Number: 0

- From: CL of Mill Valley Dr, Rte 1388
To: 398 ft E to Cul-de-sac, a distance of: 0.08 miles.
Recordation Reference: DB 1111 PG 1775
Right-of-way width (feet) = 50

► Angus Hill Drive, State Route Number 1389

Old Route Number: 0

- From: CL of Mill Valley Dr, Rte 1388
To: 559 ft E to Cul-de-sac, a distance of: 0.11 miles.
Recordation Reference: DB 1111 PG 1775
Right-of-way width (feet) = 50

► Cattail Court, State Route Number 1390

Old Route Number: 0

- From: CL of Mill Valley Dr, Rte 1388
To: 327 ft E to Cul-de-sac, a distance of: 0.06 miles.
Recordation Reference: DB 1196 PG 441
Right-of-way width (feet) = 50

VDOT Form AM-4.3 (4/20/2007), Asset Management Division
County of Fauquier, Date of Resolution: February 18, 2010 Page 2 of 2

A Resolution to Approve the Straight Family Request to Reduce the Ten-Year Sale Restriction for a Family Transfer Lot – Cedar Run District

RESOLUTION

A RESOLUTION TO APPROVE THE STRAIGHT FAMILY REQUEST TO REDUCE THE
TEN-YEAR SALE RESTRICTION FOR A FAMILY TRANSFER LOT – CEDAR RUN
DISTRICT

WHEREAS, on October 3, 2002, the applicant Justin Straight was the recipient of a family transfer parcel; and

WHEREAS, Section 2-39.3.A.3 of the Subdivision Ordinance does not permit such a lot to be voluntarily transferred to a non-immediate family member for at least ten (10) years; and

WHEREAS, the applicants, Justin and Kathleen Straight, have encountered severe financial hardship; and

WHEREAS, Section 2-39.3.A.15 of the Subdivision Ordinance allows the Board of Supervisors to reduce the ten (10) year restriction on selling a family transfer parcel to a non-immediate family member if it finds an extraordinary hardship is caused by the ten (10) year restriction; now, therefore be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of February 2010, That the requirement that Justin and Kathleen Straight hold their family transfer parcel for a period of ten (10) years be reduced so that the parcel may be transferred to a non-immediate family member.

A Resolution for Subdivision Street Acceptance for the Lee's Glen Subdivision: Confederate Boulevard, Flag Rock Drive, and Battle Ridge Drive, Lee Magisterial District

RESOLUTION

A RESOLUTION FOR SUBDIVISION STREET ACCEPTANCE FOR THE LEE'S GLEN
SUBDIVISION: CONFEDERATE BOULEVARD, FLAG ROCK DRIVE, AND BATTLE
RIDGE DRIVE, LEE MAGISTERIAL DISTRICT

WHEREAS, Confederate Boulevard, Flag Rock Drive, and Battle Ridge Drive as depicted on the attached site location map, and described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats of record in the Clerk's Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board of Supervisors that these streets meet the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

WHEREAS, the above streets serve a genuine public need; and

WHEREAS, in February of 1995, Fauquier County and the Virginia Department of Transportation entered into an agreement for comprehensive stormwater retention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of February 2010, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described streets into the Secondary System of State Highways for maintenance, as provided in Section 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That the Board of Supervisors guarantees the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty (50) feet in the Lee's Glen Subdivision with necessary easements for cuts, fills, and drainage, as recorded in Deed Book 1220, Page 2425 approved on June 19, 2006; and Deed Book 910 Page 1266 approved on August 8, 2001 and, be it

RESOLVED FINALLY, That this resolution shall become effective and a certified copy will be forwarded to the Resident Engineer for the Virginia Department of Transportation.



In the County of Fauquier

By resolution of the governing body adopted February 18, 2010

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision Lee's Glen Subdivision

Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right-of-way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: **New subdivision street**

Pursuant to Code of Virginia Statute: **§33.1-229**

Street Name and/or Route Number

► **Confederate Boulevard, State Route Number 1119**

Old Route Number: 0

- From: CL of James Madison Hwy, Bus Rte 15/29
To: 200 ft E to CL Flag Rock Dr, Rte 1114, a distance of: 0.04 miles.
Recordation Reference: DB 1220 PG 2425
Right-of-way width (feet) = 80

► **Flag Rock Drive, State Route Number 1114**

Old Route Number: 0

- From: CL of Confederate Blvd, Rte 1119
To: 644 ft N to Cul-de-sac, a distance of: 0.12 miles.
Recordation Reference: DB 910 PG1266
Right-of-way width (feet) = 50

► **Flag Rock Drive, State Route Number 1114**

Old Route Number: 0

- From: CL of Confederate Blvd, Rte 1119
To: 738 ft S to CL Battle Ridge Dr, Rte 1117, a distance of: 0.14 miles.
Recordation Reference: DB 1220 PG 2425
Right-of-way width (feet) = 50

VDOT Form AM-4.3 (4/20/2007), Asset Management Division

Report of Changes in the Secondary System of State Highways

► Battle Ridge Drive, State Route Number 1117

Old Route Number: 0

- From: CL of James Madison Hwy, Bus Rte 15/29
To: 265 ft E to CL Flag Rock Dr, Rte 1114, a distance of: 0.05 miles.
Recordation Reference: DB 1220 PG 2425
Right-of-way width (feet) = 50

► Battle Ridge Drive, State Route Number 1117

Old Route Number: 0

- From: CL Flag Rock Dr, Rte 1114
To: 150 ft E to Cul-de-sac, a distance of: 0.03 miles.
Recordation Reference: DB 1220 PG 2425
Right-of-way width (feet) = 50

VDOT Form AM-4.3 (4/20/2007), Asset Management Division

County of Fauquier, Date of Resolution: February 18, 2010 Page 2 of 2

A Resolution to Extend the Date for Planning Commission Recommendations Regarding the Zoning Ordinance Text Amendment to Create a Marshall Gateway Special District (MG) as Section 4-1000, the Comprehensive Plan Amendment (CPAM08-MA-006) to Chapter 6 to Designate Approximately 26 Acres to Mixed Use on the Marshall Land Use Plan, and to Rezone (REZN08-MA-006) Approximately 25 Acres from Residential – 4 (R-4) to Marshall Gateway Special District (MG)

RESOLUTION

A RESOLUTION TO EXTEND THE DATE FOR PLANNING COMMISSION RECOMMENDATIONS REGARDING THE ZONING ORDINANCE TEXT AMENDMENT TO CREATE A MARSHALL GATEWAY SPECIAL DISTRICT (MG) AS SECTION 4-1000, THE COMPREHENSIVE PLAN AMENDMENT (CPAM08-MA-006) TO CHAPTER 6 TO DESIGNATE APPROXIMATELY 26 ACRES TO MIXED USE ON THE MARSHALL LAND USE PLAN, AND TO REZONE (REZN08-MA-006) APPROXIMATELY 25 ACRES FROM RESIDENTIAL – 4 (R-4) TO MARSHALL GATEWAY SPECIAL DISTRICT (MG)

WHEREAS, the Marshall Service District Committee is in the process of preparing recommended refinements to the Marshall Service District Plan; and

WHEREAS, recommendations regarding the entranceways into the unincorporated Town of Marshall are representative of the considered plan changes; and

WHEREAS, the Committee is contemplating that the gateway(s) to Marshall should be planned as a walkable mixed use community with appropriate commercial and residential development including residential units above commercial storefronts; and

WHEREAS, on May 8, 2008, the Board of Supervisors initiated: (1) Zoning Ordinance Text Amendment to create a Marshall Gateway Special District (MG) as Section 4-1000; (2) Comprehensive Plan Amendment (CPAM08-MA-006) to Chapter 6 – Service Districts in order to designate approximately 26 acres to Mixed Use on the Marshall Service District’s Land Use Plan, and (3) Rezone (REZN08-MA-006) approximately 25 acres from R-4 to Marshall Gateway Special District (MG); and

WHEREAS, the Planning Commission conducted public hearings on May 29, 2008 and June 26, 2008, and needs additional time to allow for public comment and to prepare its recommendations regarding the three proposed amendments; and

WHEREAS, both the Citizen Planning Committee and Planning Commission need additional work time; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of February 2010, That the deadline for Planning Commission recommendations, regarding the above-referenced text amendments to the Comprehensive Plan and Zoning Ordinance, as well as the rezoning application (REZN08-MA-006), be, and is hereby, extended to August 26, 2010.

A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-318 AND 15-300 TO ALLOW SMALLER SCALE AQUACULTURE BY-RIGHT IN THE RURAL AGRICULTURAL DISTRICT AND TO DEFINE AQUACULTURE AND AQUAPONICS

Mr. Schwartz moved to adopt the following resolution. Mr. Trumbo seconded, and following discussion the vote for the motion was unanimous as follows:

| | |
|-----------------------------------|--|
| <i>Ayes:</i> | <i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

RESOLUTION

A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-318 AND 15-300 TO ALLOW SMALLER SCALE AQUACULTURE BY-RIGHT IN THE RURAL AGRICULTURAL DISTRICT AND TO DEFINE AQUACULTURE AND AQUAPONICS

WHEREAS, it is appropriate to amend the Zoning Ordinance to regulate aquaculture; and

WHEREAS, Fauquier County seeks to provide additional flexibility to allow small aquaculture operations, including aquaponics; and

WHEREAS, adoption of the attached amendment to Section 3-318 and 15-300 supports good zoning practice, convenience and the general welfare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of February 2010, That the amendment to Sections 3-318 and 15-300 is hereby initiated and referred to the Planning Commission for public hearing and its recommendation; and, be it

RESOLVED FURTHER, That the following text represents the proposed changes for consideration:

| See Page III-5 for Key | | | | | | | | | | | | | | | | | | |
|---|-----------|----|----|------|---|-----|-----|-----|-----|----|----|-----|-----|-----|-----|----|-----|-----|
| | SITE PLAN | RC | RA | RR-2 | V | R-1 | R-2 | R-3 | R-4 | TH | GA | MDP | C-1 | C-2 | C-3 | CV | I-1 | I-2 |
| 3-318 AGRICULTURE (CATEGORY 18) | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| 16 a. <u>Aquaculture occupying < 10,000 sq. ft. of land area, wholesale only</u> | | | P | | | | | | | | | | | | | | | SE |
| 16 b. <u>Aquaculture, 10,000 sq. ft. or more of land area, or with retail sales</u> | | | SE | | | | | | | | | | | | | | | |

15-300

DEFINITIONS

AQUACULTURE: The growing and harvesting of plant or animal organisms in a natural or artificial aquatic situation, to include AQUAPONICS.

AQUAPONICS: the symbiotic cultivation of plants and aquatic animals in a recirculating environment.

A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 2-504 TO ALLOW THE PARKING OF AUTOMOBILES AND SIMILAR MOTORIZED VEHICLES IN A REQUIRED YARD AREAS IN A COMMERCIAL OR INDUSTRIAL DISTRICT

Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded, and following discussion the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO
SECTION 2-504 OF THE FAUQUIER COUNTY ZONING ORDINANCE RELATING TO
THE DISPLAY OF AUTOMOBILES AND OTHER MOTORIZED VEHICLES WITHIN A
REQUIRED YARD AREA

WHEREAS, it is appropriate to amend the Zoning Ordinance to regulate the display of automobiles and other motorized vehicles within a required yard area; and

WHEREAS, Fauquier County seeks to provide additional flexibility to those proprietors of such businesses; and

WHEREAS, adoption of the attached amendment to Section 2-504 supports good zoning practice, convenience and the general welfare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of February 2010, That the amendment to Section 2-504 related to the display of automobiles and other motorized vehicles within a required yard area be, and is hereby initiated and referred to the Planning Commission for public hearing and its recommendation; and, be it

RESOLVED FURTHER, That the following text represents the proposed changes for consideration:

2-504

Use Limitations in Yard Areas

1. In required yard area in any Commercial or Industrial Zoning Districts, no goods shall be displayed, offered for sale or stored, no service or activity of any kind that is associated with the primary use of the property shall be performed except as qualified in Paragraph 2 and 3 below, and no processing or other industrial operation of any kind shall be carried on, provided that these limitations shall not be construed to prohibit the provisions of required off-street parking spaces in any yard area, except as may be qualified by other provisions of this Ordinance.
2. Service station gasoline pump islands may be located in a required yard area, but in no instance shall a pump island be located nearer than twenty-five (25) feet to any right-of-way line.
3. The Zoning Administrator may allow the display of automobiles and similar motorized vehicles within any required yard area subject to the following conditions:
 - A. The existing character of the general area is such that it is developed in a similar manner as proposed by an applicant.
 - B. In no instance shall the display area be located nearer than ten (10) feet to any right-of-way line.

C. All display areas shall be constructed and maintained with an all-weather dustless surface.

A RESOLUTION PRESENTING COMMENTS REGARDING THE DRAFT RAPPAHANNOCK-RAPIDAN REGIONAL COMMISSION 2035 REGIONAL LONG RANGE TRANSPORTATION PLAN

Mr. Trumbo moved to adopt the following resolution. Mr. Graham seconded, and following discussion the vote for the motion was unanimous as follows:

| | |
|----------------------------|---|
| <i>Ayes:</i> | <i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

RESOLUTION

A RESOLUTION PRESENTING COMMENTS REGARDING THE DRAFT RAPPAHANNOCK-RAPIDAN REGIONAL COMMISSION 2035 REGIONAL LONG RANGE TRANSPORTATION PLAN

WHEREAS, the Virginia Department of Transportation (VDOT) and the Rappahannock-Rapidan Regional Commission (RRRC) are partnering to evaluate the rural transportation system in the region and to recommend a range of transportation improvements that best satisfy existing and future transportation needs; and

WHEREAS, Fauquier County is a local government member of the RRRC and is participating in plan development; and

WHEREAS, the Board of Supervisors has determined that while the Draft 2035 Regional Long Range Transportation Plan goals are generally compatible with those contained in the adopted Fauquier County Comprehensive Plan, more emphasis should be placed on coordinated land use planning and transportation and targeted strategies should be added to the plan; and

WHEREAS, the Board of Supervisors has determined that recommendations contained in that draft plan's section entitled "Transportation System Performance & Recommendations" need refinement; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of February 2010, That the Board endorses the comments contained in Attachment 3 of the County staff report included in this agenda item and dated February 18, 2010, and provides these to the Rappahannock-Rapidan Regional Commission; and be it

RESOLVED FINALLY, That County staff work with the RRRC and the transportation consultant to make the refinements recommended by the County.

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Planning Commission – Center District – Ken Alm was reappointed for a four-year term that ends March 1, 2014.
- Birmingham Green Board - Fauquier County Alternate Representative – Mittie Wallace was appointed to complete an unexpired term that ends December 31, 2011.

SUPERVISORS' TIME

- Mr. Stribling told supporters of the John Marshall Library that their comments have been received and are being taken seriously regarding the proposed budget reduction scenario. Mr. Stribling stated that the Virginia Department of Transportation had warned there would be less snow removal due to funding cuts, and he appreciated the volunteer efforts of those that worked tirelessly to open roads after the past snow storm. Mr. Stribling said that unfortunately a county employee sustained severe injuries as a result of working during the storm. Mr. Stribling stated that during the upcoming budget deliberations the goal will be to maintain a satisfactory level of service and the Board of Supervisors will focus on health, safety and welfare of the citizens.
- Mr. Graham stated he wished to recognize the various organizations, volunteers, and staff for providing emergency services to the community during the recent snow storm. Mr. Graham stated he was pleased to find that neighbors were helping neighbors. Mr. Graham added that Fauquier County has an abundance of good people who helped by providing transportation to the hospital, with food deliveries, with transportation of citizens without power to shelters, and so on.
- Mr. Schwartz echoed his appreciation for everyone who pitched in during the snow storm. Mr. Schwartz said he wanted to particularly thank the Virginia Department of Transportation crews who in some cases had been working for three weeks with no break. He added that Virginia Department of Transportation crews rose to the occasion under difficult circumstances, and in some cases they were still working to clear the back roads from snow and ice.
- Mr. Trumbo extended his appreciation to Virginia Department of Transportation workers who put their shoulder to the wheel in spite of budget shortages. Mr. Trumbo also expressed his gratitude to various good Samaritans for their assistance within community.
- Mr. Nyhous stated that the Thomas Jefferson Institute on Public Policy recently did a study on government budget process transparency and of 134 localities in Virginia, Fauquier County is rated seventh best in the State. Mr. Nyhous announced that for those citizens who are concerned about the budget, it will be available for review on

the Fauquier County web site and includes much good and readable information. Mr. Nyhous announced that the U.S. Census Bureau will be sending a questionnaire to all households that must be completed by April 15th and he urged public participation in the survey. Mr. Nyhous expressed his appreciation to the several individuals that helped in the community during the recent winter storms. He thanked General Services for maintaining County grounds and facilities, and he thanked the Department of Social Services for keeping shelters open. Mr. Nyhous stated that what impressed him most is that when something needed to happen, volunteers throughout the community did not hesitate to help.

ANNOUNCEMENTS

- Mr. McCulla announced that the FY 2011 Budget work session calendar is posted on the Fauquier County web site, is available for viewing on cable Channel 23, and is also available through County Administrator's office.
- Mr. McCulla announced that the next regular meeting of the Board of Supervisors will be held on March 11, 2010, at 6:30 P.M. at the Warren Green Building located at 10 Hotel Street in Warrenton, Virginia
- Mr. McCulla urged citizens to complete the 2010 Census, stating that unless forms are completed and returned timely, citizens will not be counted which will adversely affect receiving funds from the State and Federal government, and that money is necessary to help lower County tax rates.
- Mr. McCulla recognized the staff of the Department of General Services for their work in clearing snow and ice following the snow storm in order to keep County buildings and grounds accessible to the public. He also recognized the Trustees program from the Adult Detention Center for contributing countless hours to shovel snow and clear spaces so that citizens could find room to park in order to attend this evening's meeting.

A RESOLUTION TO REQUEST THE COMMONWEALTH TRANSPORTATION BOARD (CTB) TO EXAMINE RESTRICTING THROUGH-TRUCK TRAFFIC ON HOPEWELL ROAD / WATERFALL ROAD, STATE ROUTE 601 IN THE SCOTT MAGISTERIAL DISTRICT

A public hearing was held to receive citizen comment on a proposed resolution to request that the Virginia Commonwealth Transportation Board examine restricting through truck traffic on Hopewell Road, State Route 601 from the US Interstate Route 66 to the Fauquier County line with Prince William County. The road is located in the Scott Magisterial District of Fauquier County, Virginia. Andrew Hushour, Assistant Zoning Administrator, summarized the requested action. No one else spoke. The public hearing was closed. Mr. Trumbo moved to adopt the following resolution. Mr. Schwartz seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. R. Holder Trumbo; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO REQUEST THE COMMONWEALTH TRANSPORTATION BOARD (CTB) TO EXAMINE RESTRICTING THROUGH-TRUCK TRAFFIC ON HOPEWELL ROAD/WATERFALL ROAD, STATE ROUTE 601 IN THE SCOTT MAGISTERIAL DISTRICT

WHEREAS, Hopewell Road was not designed or intended to serve heavy truck traffic; and

WHEREAS, Hopewell Road is not recommended for trucks due to the design; and

WHEREAS, heavy truck traffic causes safety problems on Hopewell Road; and

WHEREAS, an alternative route exists via James Madison Highway – State Route 15, to Interstate 66 west, to Exit 31 Hopewell Road; and

WHEREAS, the alternate route is depicted on the attached map; and

WHEREAS, Section 46.2-809 of the Code of Virginia mandates that a public hearing must be held by the local governing body to receive public comments on restricting through-truck traffic on any part of a secondary highway; and

WHEREAS, Section 15.2-1813 of the Code of Virginia requires that any public hearing shall be advertised once in a newspaper having general circulation in the locality at least seven days prior to the date set for the hearing and these requirements have been met; and

WHEREAS, the Prince William County Police Department and the Fauquier County Sheriff's Office will be responsible for enforcing the restriction; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of February 2010, That it does hereby request the Commonwealth Transportation Board (CTB) to restrict through-truck traffic on Hopewell Road/Waterfall Road in the Scott Magisterial District; and, be it

RESOLVED FURTHER, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

A RESOLUTION TO AUTHORIZE CONVEYANCE OF PROPERTY ACQUIRED UNDER THE NEIGHBORHOOD STABILIZATION PROGRAM

A public hearing was held to consider authorizing the conveyance of property acquired under the Neighborhood Stabilization Program located at 12164 David Court, Remington and at 6735 Huntland Drive, Bealeton, Virginia, in accordance with program guidelines of the Neighborhood Stabilization Program. Paul S. McCulla, County Administrator, summarized the proposed action. No one else spoke. The public hearing was closed. Mr. Nyhous moved to adopt the following resolution. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous as follows:

| | |
|----------------------------|---|
| <i>Ayes:</i> | <i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. R. Holder Trumbo; Mr. Chester W. Stribling</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

RESOLUTION

A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF PROPERTIES ACQUIRED UNDER THE NEIGHBORHOOD STABILIZATION PROGRAM

WHEREAS, Fauquier County has acquired, under the Neighborhood Stabilization Program, residential property located at 6735 Huntland Drive, Bealeton and 12164 David Court, Remington; and

WHEREAS, the purpose of the program is to help stabilize neighborhoods through the acquisition, rehabilitation and resale of property to eligible buyers under the grant guidelines; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this the 18th day of February 2010, That the County Administrator be, and is hereby, authorized to convey property located at 6735 Huntland Drive, Bealeton and 12164 David Court, Remington in a manner consistent with grant guidelines.

PROPOSED TEXT AMENDMENTS TO ZONING ORDINANCE SECTIONS 3-300, 5-900, 5-1800, AND 15-300

A public hearing was held to consider a Zoning Ordinance Text Amendment to Sections 3-300, 5-900, 5-1800, and 15-300 to shift equestrian facilities from the Outdoor Recreation category to the Agriculture category and to change requirements and limitations. Andrew Hushour, Assistant Zoning Administrator, summarized the proposed text amendments. Todd Benson, representing Piedmont Environmental Council; Amy Pritchard, Scott District; and Roy Beckner, representing Eastwood Farm, spoke in favor of the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Nyhous moved to adopt the following Ordinance. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. R. Holder Trumbo; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-300, 5-900, 5-1800 AND 15-300 RELATED TO EQUESTRIAN FACILITIES

WHEREAS, the Fauquier County Zoning Ordinance establishes regulations related to equestrian facilities; and

WHEREAS, Fauquier County seeks to amend its regulations related to equestrian facilities; and

WHEREAS, on August 13, 2009, the Board of Supervisors initiated the proposed text amendment; and

WHEREAS, the Planning Commission unanimously recommended approval of a revised version of the text amendment on December 9, 2009, after holding public hearings on the issue on September 24, 2009, October 29, 2009 and December 9, 2009; and

WHEREAS, on January 14, 2010 the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Sections 3-300, 5-900, 5-1800 and 15-300 of the Fauquier County Zoning Ordinance supports good zoning practice, convenience and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 18th day of February 2010, That Sections 3-300, 5-900, 5-1800 and 15-300 related to Equestrian Facilities be, and are hereby, amended as follows:

3-300

Uses

| | SITE PLAN | RC | RA | RR- 2 | V | R- 1 | R- 2 | R- 3 | R- 4 | TH | GA | MDP | C- 1 | C- 2 | C- 3 | CV | I-1 | I- 2 |
|---|--------------|----|----|----------|----|---------|---------|---------|---------|----|----|-----|---------|---------|---------|----|-----|---------|
| 3-309 OUTDOOR RECREATION (CATEGORY 9) | | | | | | | | | | | | | | | | | | |
| 1. Country Club/Golf Course, public or private | X | SP | SP | SP | | SP | | | | | | | | | | | | |
| 2. Swimming/Tennis (Racquet) facility, public or private | X | | SP | SP | SP | SP | SP | SP | SP | | | | SP | P | P | SP | P | |
| 3. Firing Range, skeet or trapshooting facility (indoor or out) | X | SP | SP | | | | | | | | | | | SP | | | SP | |
| 4. Baseball hitting range and archery range | X | SP | SP | | | | | | | | | | | SP | | | | |

| | | | | | | | | | | | | | | | | | | |
|---|---|----|----|---|---|---|---|---|---|---|---|---|---|----|---|---|---|----|
| 5. Camps, recreation grounds, lodges and resorts | X | SE | SE | | | | | | | | | | | | | | | |
| 6. Tent campground | X | SE | SE | | | | | | | | | | | | | | | |
| 7. Travel trailer park | X | | | | | | | | | | | | | SE | | | | |
| 8. deleted Equestrian facilities (boarding and instruction (non-spectator)) | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| 9. deleted Equestrian facilities (boarding and instruction (spectator facilities)) | X | - | SE | - | - | - | - | - | - | - | - | - | - | - | - | - | - | SE |
| 10. Drive-in or other movie theatre | X | | | | | | | | | | | | | SP | | | | |

| 3-318 AGRICULTURE (CATEGORY 18) | | | | | | | | | | | | | | | | | | |
|---------------------------------|--|----|--------------------|----|----|----|--|--|--|--|--|--|--|---|---|--|----|----|
| 1. Crop/livestock farm | | P | P | P | P | P | | | | | | | | P | P | | P | P |
| 2a. Horse farm | | P | P | P | P | P | | | | | | | | P | P | | P | P |
| 2b. Equestrian Instruction | | SP | P/SE ¹⁸ | SP | SP | SP | | | | | | | | | | | | |
| 2c. Horse Show | | | SE | | | | | | | | | | | | | | | |
| 3. Dairy farm | | SP | P | SP | SP | SP | | | | | | | | | | | SP | SP |

New Footnote 18: A Special Exception is only required when property is located within non-common open space.

5-909 — Additional Standards for Equestrian Facilities, Including Boarding and Instruction (Non-Spectator)

1. ~~No facilities or activities intended for spectators are allowed.~~
2. ~~The minimum lot size requirement shall be five (5) acres.~~
1. ~~No structure associated with a riding or boarding stable or indoor riding facility shall be located closer than 100 feet to any lot line.~~

5-910 — Additional Standards for Equestrian Facilities, Including Boarding and Instruction (Spectator Uses)

1. ~~The minimum lot size requirement shall be ten (10) acres.~~
2. ~~The road frontage requirement shall be 300 feet on a State maintained road with a minimum designation of major collector in the Comprehensive Plan unless the Board of Supervisors finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety or road usage.~~
3. ~~No structure, riding ring, or course, spectator facility or parking area shall be located closer than 100 feet to any lot line.~~

5-1801.1 Additional Standards for Equestrian Instruction

1. The minimum lot size requirement shall be five (5) acres.
2. No building associated with a riding or boarding stable or indoor riding facility shall be located closer than 100 feet to any lot line.

3. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in a Residential District.

5-1801.2 Additional Standards for Horse Shows

1. The minimum lot size requirement shall be five (5) acres.
2. No building shall be located closer than 100 feet to any lot line.
3. No riding ring or arena shall be located closer than 100 feet to any lot line, provided the Board of Supervisors may waive this setback requirement upon a finding that the location of the ring or arena will not negatively impact adjoining property owners.
4. No off-street parking or loading space shall be located within fifty (50) feet of any adjoining property which is in a Residential District.

15-300 DEFINITIONS

EQUESTRIAN FACILITIES, BOARDING: ~~Structures and areas utilized for the boarding of horses other than those owned by the owner or resident of the property, to include riding trails for the use of the property owner/residents and owners of the horses boarded on the property. Horse Boarding shall not include INSTRUCTION.~~

HORSE FARM: A place where horses are kept for breeding, boarding, sale and/or training, to include accessory instruction for no more than ten (10) students in any week. Training events shall be allowed as part of such on-site instruction.

EQUESTRIAN INSTRUCTION: Riding instruction 1) not accessory to a HORSE FARM or 2) involving more than ten (10) students in any week. Training events related to the on-site instruction shall be allowed as accessory to this use.

HORSE SHOW: An EQUESTRIAN EVENT 1) where the riding and showing occurs within a confined area such as a ring or arena, and 2) where spectators are non-paying and typically comprised of families and friends of the participants. Exhibiting, judging, showing or racing of horses at a frequency greater than one a year where more than 100 spectators are reasonably anticipated

EQUESTRIAN EVENTS: Exhibiting, judging, showing or racing of horses where spectators are reasonably anticipated, to include field events and to include HORSE SHOWS in districts other than RA.

PROPOSED TEXT AMENDMENTS TO ZONING ORDINANCE SECTIONS 14-203.1 AND 14.205.2

A public hearing was held to consider a Zoning Ordinance Text Amendment to Section 14-203.1 to reduce the number of Board of Zoning Appeals members to five and Section 14-205.2 to reduce the quorum requirement to three members. Kevin J. Burke, County Attorney, summarized the proposed text amendments. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Nyhous seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. R. Holder Trumbo; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 14-203.1 TO REDUCE THE NUMBER OF BOARD OF ZONING APPEALS (BZA) MEMBERS FROM SEVEN TO FIVE MEMBERS AND SECTION 14-205.2 TO REDUCE THE QUORUM REQUIREMENT FROM FOUR TO THREE MEMBERS

WHEREAS, the *Code of Virginia* Section 15.2-2308.A. states that every locality that enacts a zoning ordinance shall establish a board of zoning appeals that shall consist of either five or seven members; and

WHEREAS, Fauquier County desires to reduce the number of appointed BZA members from seven to five members; and

WHEREAS, the amendments to Sections 14-203 and 14-205 achieve this goal and support good zoning practice, convenience and the general welfare; and

WHEREAS, the Board of Supervisors, after due notice and public hearing, has determined that it is in the best interest of the health, safety and welfare of the citizens of Fauquier County to adopt this Ordinance; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 18th day of February 2010, That the Fauquier County Zoning Ordinance be, and is hereby, amended, which Sections shall read as follows:

14-203 Membership

1. The BZA shall consist of ~~seven (7)~~ five (5) members appointed by the Circuit Court of Fauquier County, Virginia, and the members may receive compensation as may be authorized by the Board of Supervisors. All members shall be residents of the County.

14-205**Meetings**

1. The BZA shall hold at least one (1) meeting each month when there is business to conduct at a time and place to be designated by resolution of the BZA. When a meeting date falls on a legal holiday, the meeting shall be held on the day following unless otherwise designated by the BZA.
2. ~~Four (4)~~ Three (3) members of the BZA shall constitute a quorum and ~~four (4)~~ three (3) members are necessary to render a decision on all matters referred to and upon which it is required to pass by this Ordinance, but a less number may meet and adjourn.

; and, further, be it

RESOLVED, by the Fauquier County Board of Supervisors this 18th day of February 2010, That Fauquier County Board of Zoning Appeals Members only receive their monthly stipend for compensation for their service on the Board of Zoning Appeals for meetings in which they attend at least fifty percent (50%) of the actual meeting, including time scheduled for work sessions.

PROPOSED TEXT AMENDMENT TO ZONING ORDINANCE SECTION 13-400

A public hearing was held to consider a Zoning Ordinance Text Amendment to update Section 13-400 related to variances granted by the Board of Zoning Appeals to comply with current Virginia Code, and reduce the authority of the Zoning Administrator to grant exemptions. Andrew Hushour, Assistant Zoning Administrator, summarized the proposed text amendment. Henry Fletcher, Marshall District; and Made Eicher, Marshall, spoke in opposition to the proposed text amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Nyhous seconded and, following discussion, the vote for the motion was unanimous as follows:

| | |
|----------------------------|--|
| Ayes: | <i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. R. Holder Trumbo; Mr. Chester W. Stribling</i> |
| Nays: | <i>None</i> |
| Absent During Vote: | <i>None</i> |
| Abstention: | <i>None</i> |

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 2, GENERAL REGULATIONS, ARTICLE 3, DISTRICT REGULATIONS, ARTICLE 5, SPECIAL PERMITS AND SPECIAL EXCEPTIONS, ARTICLE 6, ACCESSORY USES, AND

ARTICLE 13, ADMINISTRATION, OF THE FAUQUIER COUNTY ZONING ORDINANCE
RELATING TO VARIANCES GRANTED BY THE BOARD OF ZONING APPEALS

WHEREAS, Virginia HB 2326, relating to Boards of Zoning Appeals (BZA) and standards by which variances can be granted, was signed into law on March 27, 2009, with an effective date of July 1, 2009; and

WHEREAS, this bill amended the Code of Virginia regarding variances by deleting the phrase “approaching confiscation” found in §15.2-2309 of the Virginia Code; and

WHEREAS, it is necessary to update the current Fauquier County Zoning Ordinance provisions to comply with the current Virginia Code and to reduce the authority of the Zoning Administrator to grant such variances; and

WHEREAS, on December 9, 2009, the Fauquier County Planning Commission initiated the proposed text amendment; and

WHEREAS, on January 28, 2010, the Planning Commission held a public hearing on the proposed text amendment and unanimously voted to forward the proposed text amendment to the Fauquier County Board of Supervisors with a recommendation of approval; and

WHEREAS, on February 18, 2010, the Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Articles 2, 3, 5, 6 and 13 of the Fauquier County Zoning Ordinance supports good zoning practice, convenience and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 18th day of February 2010, That Articles 2, 3, 5, 6 and 13 of the Fauquier County Zoning Ordinance be, and are hereby, amended as follows, and that this amendment shall not remove the authority of the Zoning Administrator to consider any application for a Zoning Ordinance modification that was received prior to this date:

PART 4 13-400 VARIANCES

13-401 Initiation

A property owner, an owner acting jointly with a lessee of the property involved, or any person under bona fide contract to purchase same, may appeal to the BZA for a variance of the strict application of the terms of this Ordinance when the Zoning Administrator shall have refused to approve a proposed use or proposed construction on the grounds that such use or construction does not comply with such terms.

13-402 Authorization

1. Upon initiation as provided for in Section 401 above, the BZA may authorize a variance to the strict application of any specific requirement of this Ordinance when a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the Ordinance, or where by reason of exceptional topographical conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict the use of the property or where the BZA is satisfied upon the evidence, that the granting of such variance will alleviate a clearly demonstrable hardship **approaching confiscation**, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the Ordinance. For properties located within the Floodplain District, the additional factors and limitations contained in Section 4-411 of this Ordinance shall also apply.
2. No variance shall be authorized until a public hearing has been held on same in accordance with the provisions of Section 110 above.
3. The concurring vote of four (4) members of the BZA shall be required to authorize a variance.
4. The BZA shall render a decision on an appeal for a variance within ninety (90) days after receipt of same, unless the appellant and the BZA mutually agree to an extended period of time. In the event said decision shall not be rendered within said time period, the appeal shall be deemed to be denied.

13-403

Application

1. An application to appeal for a variance shall be filed in accordance with and shall be subject to all the provisions of Part 1 above.
2. The application shall contain the following information:
 - A. The specific provision or provisions of the Ordinance from which a variance is sought.
 - B. The nature and extent of the variance sought.
 - C. The special conditions of the property or the nature of use and/or development of immediately adjacent property which would make such variance necessary.

Standards for Variances

No variance in the strict application of any provision of this Ordinance shall be authorized by the BZA except upon the following findings made in the following sequence:

1. That the strict application of the Ordinance would produce undue hardship.
2. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity and is not of so general or recurring a nature as to make reasonably practical the formation of a general regulation to be adopted as an amendment to the Ordinance.
3. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
4. Upon an affirmative finding, the BZA shall determine what variance, in its opinion, is the minimum that will afford relief; in so doing the BZA shall not be confined to the specific content of the appeal.
5. The BZA shall authorize such variance as it deems to be necessary in order to afford relief. In so doing the BZA shall prescribe any conditions applying to the authorization made by it that it may deem to be necessary or desirable in furtherance of the intent and purpose of this Ordinance, and may make such requirements in connection therewith as will give reasonable assurance that such conditions will be met.

Unauthorized Variances

1. No variance shall be authorized that would purport to modify any definition set forth in Article 15.
2. No variance shall be authorized that would propose to permit the establishment of any use not otherwise permitted in the zoning district under the specific provisions of this Ordinance.
3. No variance shall be authorized that would result in an increase in density from that permitted by the applicable zoning district regulations.
4. No variance shall be authorized that would relate to nonconforming uses.
5. No variance shall be authorized that would reduce the amount of off-street parking spaces required by Article 7.

6. No variance shall be authorized that would relate to signs, except as specifically qualified by the provisions of Article 8.
7. No variance shall be authorized in cases where the applicant, subsequent to the effective date of this Ordinance, has purchased a portion of a larger parcel which portion has an area or width less than required by the provisions of this Ordinance at the time of such purchase or which portion has unusual physical characteristics (that are set forth as the basis for the application for a variance) which would not exist if such portion had not been detached by such purchase from the larger parcel of which it was a part.

13-406 ————— **Authority of Zoning Administrator to Grant Exemptions**

- ~~1. The Zoning Administrator is authorized to grant a modification from any provision contained in the Zoning Ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements if the Zoning Administrator finds in writing that: (a) the strict application of the ordinance would produce undue hardship; (b) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (c) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification.~~
- ~~2. Prior to the granting of a modification, the Zoning Administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. The Zoning Administrator shall make a decision on the application for modification and issue a written decision, within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period, with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this subsection.~~
- ~~3. The decision of the Zoning Administrator shall constitute a decision within the purview of Virginia Code §15.2-2311, and may be appealed to the Board of Zoning Appeals.~~

13-406 ————— **Variance of Minimum Yard Requirements Based on Error in Location of Buildings**

1. Notwithstanding the other provisions of this Part, the Zoning Administrator shall have the authority, as qualified below, to grant a variance to the minimum yard requirements in the case of any building existing or partially constructed which did not comply with such requirements applicable at the time such building was erected.

2. Such a variance may only be granted by the Zoning Administrator if the error does not exceed ten (10) percent of the measurement that is involved.
3. Such a variance may be granted if and only if:
 - A. It is established that such noncompliance was through no fault of the applicant or was the result of an error in the location of the building subsequent to the issuance of the Building Permit, and
 - B. Such variance will not impair the purpose and intent of this Ordinance, and
 - C. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - D. It will not create an unsafe condition with respect to other property and/or public streets, and
 - E. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
3. In granting such a variance under the provisions of this Section, the Zoning Administrator may prescribe such conditions as deemed advisable to assure compliance with the intent of this Part.
4. Upon the granting of a variance for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The Zoning Administrator shall have no power to vary the application of any of the limitations specified in this Ordinance.

2-505

Use Limitations on Corner Lots

1. On every corner lot within the triangle formed by the street lines of such lot and line drawn between points on such lines which are thirty (30) feet from the intersection thereof, there shall be no structure or planting of such nature and dimensions as to obstruct lateral vision other than a point, column or trunk or tree, (but not branches or foliage) which is not greater than one (1) foot in cross section or diameter. Such lateral vision shall be maintained between two (2) horizontal planes, one of which is three and one-half (3 1/2) feet, and the other ten (10) feet above the average elevation of the existing surface of either street at the center line thereof.
2. Since the purpose of this provision is to promote public safety by preserving reasonable sight distance for vehicular traffic at street

intersections, the Zoning Administrator BZA may vary the specified requirements in accordance with the ~~procedures~~ provisions of Part 4 of Article 13 in those instances where structures or plantings between the two (2) horizontal planes do not in fact interfere with sight distance.

6-105

Location Regulations

6. Barns shall not be located less than 100 feet from any property line., except if located on a property zoned RC/Rural Conservation, RA/Rural Agriculture, RR-2/Rural Residential, I-1/Industrial or I-2/Industrial and also if located on a property line adjacent to property zoned RC/Rural Conservation, RA/Rural Agriculture, RR-2/Rural Residential, I-1/Industrial or I-2/Industrial, then the Board of Zoning Appeals may reduce this setback requirement by approval of a special permit

| | SITE PLAN | RC | RA | RR- 2 | V | R- 1 | R- 2 | R- 3 | R- 4 | TH | GA | MDP | C- 1 | C- 2 | C- 3 | CV | I- 1 | I- 2 |
|--|--------------|------|------|----------|----|---------|---------|---------|---------|----|----|-----|---------|---------|---------|----|---------|---------|
| 3-324 <u>Section Deleted</u> INCREASES IN BUILDING HEIGHT (CATEGORY 24) | | | | | | | | | | | | | | | | | | |
| 1. Increases in Building Height | - | A/SP | A/SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP |

PART 24

5-2400

~~STANDARDS FOR APPROVING AN INCREASE IN BUILDING HEIGHTS~~

5-2401

1. The Zoning Administrator may approve an administrative permit for an increase in height from 35 feet to 40 feet on parcels at least 10 acres in size in the RA/Rural Agriculture and RC/Rural Conservation zoning districts provided the minimum yard requirements applicable to the structure shall be increased by two (2) feet for every one (1) foot of increase in height.
2. The BZA may approve a special permit for an increase in height above the maximum building height regulations specified in Part 4 of Article 3, if it determines that such an increase would not violate the general standards set forth in Section 006 above. Further, the minimum yard requirements applicable to the structure shall be increased by two (2) feet for every one (1) foot of increase in height in excess of the maximum building height set forth for the zoning district.

PART 4

3-400

USE REGULATIONS

The requirements in the chart below and the following footnotes pertaining thereto are established as indicated.

FOOTNOTES:

7. In the RA/Rural Agricultural and RC/Rural Conservation zoning districts, height may be increased from 35 feet to 40 feet on parcels at least 10 acres in size, provided that the

minimum yard requirements applicable to the structure shall be increased by two (2) feet for every one (1) foot of additional increase in height. Maximum building height may be increased in accordance with Sections 5-2400.

PROPOSED TEXT AMENDMENTS TO ZONING ORDINANCE SECTIONS 3-317 AND 5-1700

A public hearing was held to consider a Zoning Ordinance Text Amendment to Sections 3-317 and 5-1700 to allow a General Industrial use to occur in the Rural Agricultural (RA) district on more than one acre when reusing legally existing airport facilities. Andrew Hushour, Assistant Zoning Administrator, summarized the proposed text amendments. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following Ordinance. Mr. Nyhous seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. R. Holder Trumbo; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-317 AND 5-1700 TO ALLOW A GENERAL INDUSTRIAL USE TO OCCUR IN THE RA/RURAL AGRICULTURAL DISTRICT ON MORE THAN ONE ACRE WHEN REUSING LEGALLY EXISTING AIRPORT FACILITIES

WHEREAS, the Fauquier County Zoning Ordinance establishes regulations related to industrial uses; and

WHEREAS, Fauquier County seeks to allow increased flexibility for the re-use of an existing airport facility located in the Rural district; and

WHEREAS, on December 10, 2009, the Board of Supervisors initiated the proposed text amendment; and

WHEREAS, the Planning Commission held a public hearing and unanimously recommended approval of the proposed amendment on January 28, 2010; and

WHEREAS, on February 18, 2010 the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the amendments to Sections 3-317 and 5-1700 support good zoning practice, convenience and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 18th day of February, 2010, That Sections 3-317 and 5-1700 be, and are hereby, amended as follows:

| | SITE PLAN | RC | RA | RR- 2 | V | R- 1 | R- 2 | R- 3 | R- 4 | TH | GA | MDP | C- 1 | C- 2 | C- 3 | CV | I-1 | I-2 |
|---|--------------|----|----|----------|---|---------|---------|---------|---------|----|----|-----|---------|---------|---------|----|-----|-----|
| 3-317 GENERAL INDUSTRIAL (CATEGORY 17) | | | | | | | | | | | | | | | | | | |
| 1. Any industrial use which is not acre contained entirely within a building or completely screened from view including contractor's offices, shops, and materials storage yards less than one | X | SE | SE | | | | | | | | | | | | | | SP | SP |
| 2. Any industrial use which is not contained entirely within a building or completely screened from view, including contractor's offices, shops and material storage yards more than one acre used | X | | SE | | | | | | | | | | | | | | | SP |
| 3. Contractors offices, shops and material storage yards with all equipment and materials contained entirely within a building or completely screened from view | X | | | | | | | | | | | | SP | SP | SP | | P | P |

PART 17

5-1700

CATEGORY 17 GENERAL INDUSTRIAL

In addition to the general standards as set forth in Section 006 above, the following standards shall apply:

5-1701.1 **Additional Standards for Industrial Use Described in Paragraph 3-317.2 (more than one acre used), in Rural Zoning Districts**

1. This use shall be authorized in the RA district only for redevelopment of properties previously approved by the County through special exception for airport use. Two such properties exist in the County: Hartwood Airport and the Warrenton-Fauquier Airport (which is primarily zoned Industrial).
2. The Board may approve such use only upon a finding that the activity associated with the proposed industrial use is no more impactful to the surrounding area than was the prior airport use.
3. All activities shall be screened entirely from view from streets and adjoining properties.
4. Contractor's Storage Yards shall not be allowed.

SPECIAL EXCEPTION SPEX10-CR-015 - FRANCIS G. FORTIN, JR. (OWNER) / UNISYS (APPLICANT) – GOVERNMENT TEST LANE FACILITY AT HARTWOOD AIRPORT

A public hearing was held to consider an application to obtain a Category 17 Special Exception to allow for a General Industrial use in the Rural Agricultural (RA) district on more than one (1) acre when reusing legally existing airport facilities. The property is located on the west side of Elk Ridge Road (Route 614), Cedar Run District, further identified as PIN #7836-61-5517-000 and 7836-60-6238-000. Susan Eddy, Chief of Planning, summarized the Special Exception application. Robert Wright, Unisys Corp, spoke on behalf of the applicant to request

favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Nyhous seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. R. Holder Trumbo; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROVE SPEX10-CR-015 – FRANCIS G. FORTIN, JR. (OWNER)/UNISYS (APPLICANT) – GOVERNMENT TEST LANE FACILITY AT HARTWOOD AIRPORT

WHEREAS, Francis G. Fortin, Jr., owner, and Unisys, applicant, are seeking Special Exception approval to allow to allow for a government test lane facility at the former Hartwood Airport on PINs #7836-61-5517-000 and 7836-60-6238-000; and

WHEREAS, the requested use is a Category 17 Special Exception to allow for a General Industrial use in the Rural Agricultural (RA) district on more than one (1) acre when reusing legally existing airport facilities; and

WHEREAS, on January 28, 2010, the Fauquier County Planning Commission held a public hearing on the Special Exception request and unanimously recommended that the application be approved, subject to conditions; and

WHEREAS, on February 18, 2010, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors concurred with the Planning Commission and agreed that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-1700; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of February 2010, That SPEX10-CR-015 be, and is hereby, approved, subject to the following conditions:

1. This Special Exception is granted only for the purpose(s), structure(s) and/or uses as indicated on the Special Exception plat approved with the application, dated November 30, 2009 by Clark Nexsen entitled “Government Test Lane Facility at Hartwood Airport,” as qualified by these development conditions, with the exception that accessory structures as otherwise permitted in the underlying zoning district shall be permitted in accordance with the provisions in Article 6 of the Zoning Ordinance.
2. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other lands. Conditions of the permit shall be applicable to all successors and assigns of the applicant.

3. The Special Exception is valid for ten (10) years.
4. The use shall be limited to high speed (not to exceed 65 mph) and low speed vehicle testing on the existing airport runways; testing is approved for license plate readers; radioactive material testing equipment, microchip readers and similar testing equipment.
5. There shall be no explosives or detonation of such materials on the site.
6. The maximum number of personnel at the facility shall not exceed twenty (20) daily; this does not include the security personnel for the site.
7. The existing office buildings on the site may be used; no new construction of office space is allowed.
8. Testing shall be allowed up to ten (10) days per month.
9. General hours of operation shall be Monday through Friday from 8:00 a.m. to 4:00 p.m.
10. Limited evening hours shall be allowed Monday through Friday from 5:00 p.m. to 10:00 p.m., one day per month, to test equipment in nighttime conditions.
11. A Major Site Plan is required per Fauquier County Zoning Ordinance Section 3-306.
12. The applicant shall obtain and, as necessary, maintain all applicable federal, state, and local permits.
13. Stormwater management and BMPs shall be required for the site.
14. The applicant shall submit the Preliminary Soil Report with first submission of Major Site Plan.
15. An erosion and sediment control plan must be developed and submitted for approval with the first Major Site Plan submission.
16. A Geotechnical investigation shall be conducted if building permits are required.
17. A Jurisdictional Determination shall be required for land disturbance in areas mapped 13B.
18. The applicant shall protect the installation and reserve drainfield areas with safety fence during construction.
19. The facility lighting shall comply with the performance standards contained in Section 9-900 and 9-1000 of the Fauquier County Zoning Ordinance. All lighting shall be in conformance with the Fauquier County Zoning Ordinance and positioned downward, inward and shielded to eliminate glare from all adjacent properties.
20. Adequate traffic controls, as determined by VDOT, shall be established for all construction traffic and also for activities within the public right-of-way.

21. The entrance shall meet minimum sight distance and entrance requirements in accordance with the VDOT Minimum Standard of Entrances to State Highways, including improvements, as required.
22. The applicant shall comply with all applicable water and sewage treatment standards as determined by the Virginia Department of Health.
23. No fuel may be stored in the existing aboveground storage tank.
24. Any amendment or expansion of the use shall be subject to Special Exception approval.

SPECIAL EXCEPTION SPEX10-CR-010 – THELMA MONROE ESTATE (OWNER) / JACQUELINE D. LEOPOLD, EXECUTOR (APPLICANT) – THELMA MONROE ESTATE SEPTIC SYSTEM

A public hearing was held to consider an application to obtain a Category 20 Special Exception to allow for an alternative sewage disposal system with a discharge to replace an existing failed drain field system. The property is located at 14281 Warrenton Road (Route 17), Cedar Run District, further identified as PIN #7824-56-5973-000. Bonnie Bogert, Planner II, summarized the Special Exception application. Tom Basham, Engineer, spoke on behalf of the applicant to request favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

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| <i>Ayes:</i> | <i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. R. Holder Trumbo; Mr. Chester W. Stribling</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

RESOLUTION

A RESOLUTION TO APPROVE SPEX10-CR-010: A CATEGORY 20 SPECIAL EXCEPTION TO ALLOW FOR AN ALTERNATIVE SEWAGE DISPOSAL SYSTEM WITH A DISCHARGE TO REPLACE AN EXISTING FAILED DRAINFIELD SYSTEM

WHEREAS, the Thelma Monroe Estate, Owner, and Jacqueline D. Leopold, Applicant, request Special Exception approval to allow an Alternative Sewage System with a Discharge on PIN #7824-56-5973-000; and

WHEREAS, on January 28, 2010, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception and recommended approval of the Special Exception subject to conditions; and

WHEREAS, on February 18, 2010, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-2002.5; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of February, 2010, that SPEX10-CR-010 be, and is hereby, approved, subject to the following conditions:

1. This Special Exception is granted for and runs with the land indicated in this application as PIN #7824-56-5973-000, and is not transferable to other land.
2. This Special Exception shall initially be valid for a period of two (2) years. Upon the first renewal, the Special Exception shall be valid for an additional five (5) years, and will need to be renewed every five (5) years subsequently. At the time of renewal, verification from the Virginia Department of Health and Department of Environmental Quality shall be required to ensure that the system is operating and is being maintained properly.
3. This approval grants one private individual discharge sewage treatment system, for remediation of the failed system, to serve an existing three bedroom single-family dwelling unit.
4. The Applicant shall submit evidence that applicable permits (such as but not limited to VDH and DEQ) have been granted for the discharge sewage treatment system, prior to any land disturbing activities for work associated with the Special Exception.
5. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with this application, as qualified by these development conditions.
6. The individual discharge sewage treatment system (for less than or equal to 1,000 gallons per day of discharge, on a monthly average) shall be in general conformance with the Special Exception Plat dated November 11, 2009, and revised January 20, 2010 prepared by Nokesville Design, PLC.
7. The individual discharge sewage treatment system shall be designed to serve the existing three bedroom single-family dwelling unit. The design shall include any conditional permit requirements, per the Health Department or the Department of Environmental Quality. A requisite reference shall be recorded with the deed for the property.
8. The Applicant shall comply with 12 VAC 5-640-450 2, entitled "Ownership and Easements" of the Alternative Discharging Sewage Treatment Regulations for Individual Family Dwellings, to satisfy Health Department permit requirements.
9. The Applicant shall provide for either a water meter on its well or an effluent meter to track water usage and submit reports to the Health Department to ensure compliance with this Special Exception and submit reports to the Department of Environmental Quality per VPDES permit conditions. These reports shall be submitted annually, unless otherwise directed by the Health Department or Department of Environmental Quality.
10. The Applicant shall maintain a log and file of reports prepared and/or filed in compliance with these conditions of approval.

11. All monitoring requirements shall meet Health Department and Department of Environmental Quality requirements.
12. Evidence of a permanent maintenance and monitoring agreement from a state licensed laboratory, company or business and a report on the status of the permitted system shall be submitted to the Health Department, Department of Environmental Quality, and to the Zoning Administrator per regulatory agency permit requirements to ensure compliance with this Special Exception. A requisite reference shall be recorded with the deed for the property.
13. A site plan is required for this system pursuant to Zoning Ordinance Section 3-320.7.

SPECIAL EXCEPTION SPEX10-LE-012 – TOWN OF REMINGTON (OWNER / APPLICANT) – TOWN OF REMINGTON WELL NO. 1

A public hearing was held to consider an application wishes to obtain a Category 20 Special Exception to allow for an arsenic removal facility for the Town of Remington's water supply system. The property is located at 7267 Fifth Street, Lee District, further identified as PIN #6888-00-1945-000. Susan Eddy, Chief of Planning, summarized the Special Exception application. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following resolution. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous as follows:

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| <i>Ayes:</i> | <i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. R. Holder Trumbo; Mr. Chester W. Stribling</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

RESOLUTION

A RESOLUTION TO APPROVE SPEX10-LE-012: APPLICANT WISHES TO OBTAIN A CATEGORY 20 SPECIAL EXCEPTION TO ALLOW FOR AN ARSENIC REMOVAL FACILITY FOR THE TOWN OF REMINGTON'S WATER SUPPLY SYSTEM (TOWN OF REMINGTON WELL NO.1)

WHEREAS, the Town of Remington, owner and applicant, is seeking a Category 20 Special Exception to add an arsenic removal facility, per the requirements of the U.S. Environmental Protection Agency (EPA), to an existing well and utility system that supplies water to the Town of Remington on PIN #6888-00-1945-000; and

WHEREAS, on January 28, 2010, the Fauquier County Planning Commission held a public hearing on the Special Exception request and unanimously recommended that the application be approved, subject to conditions; and

WHEREAS, on February 18, 2010, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors concurred with the Planning Commission and agreed that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-2000; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of February 2010, That SPEX10-LE-012 be, and is hereby, approved, subject to the following conditions:

1. The Special Exception (SPEX10-LE-012) is granted for and runs with the land indicated in this application, known as PIN #6888-00-1945-000, and is not transferable to other land.
2. The Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated, and shall be in general conformance with the Special Exception Plat titled "Town of Remington Well No. 1 Arsenic Removal Facility, Special Exception Plat" dated and sealed on November 20, 2009, approved with the application, as qualified by these development conditions.
3. This Special Exception allows an arsenic removal facility for Remington Well No. 1 to include the following: 20' x 30' building to house the treatment works, an ingress/egress drive, three (3) parking spaces, and utility piping.
4. The (treatment) building design shall be a fully enclosed pre-stressed concrete structure.
5. Prior to land disturbance for any new construction or alterations of any type, a site plan consistent with the approved Special Exception, provisions of Article 12 of the Fauquier County Zoning Ordinance and the bulk regulations for the underlying zoning district must be approved prior to obtaining building and zoning permits.
6. The applicant shall comply with Virginia Department of Health standards.
7. The driveway and parking areas shall be reduced to the minimum size allowed by the County as part of the approval of the site plan for the property.
8. In addition to the new building for the water treatment, shown on the plat, an existing 24' x 14' building shall be allowed for storage; no chemicals from the arsenic removal facility would be housed in this structure.
9. The existing fence on-site shall be extended to incorporate the new facility and any of its appurtenant structures.
10. This Special Exception shall allow for a future retrofit of auxiliary power generation equipment at the site, in general conformance with the Special Exception plat.
11. This Special Exception shall allow for the provision for a future boundary line adjustment between the subject parcel and an adjoining lot owned by the Town of Remington; the boundary line adjustment would be subject to the provisions set forth in the Fauquier County

Zoning Ordinance and Subdivision Ordinance. The portion of PIN #6888-00-1945-000 that is boundary line adjusted away shall no longer be subject to this Special Exception.

TELECOMMUNICATIONS SPECIAL EXCEPTION TWSE09-MA-002 – JACKIE SHAY MCNEAL (OWNER) / T-MOBILE NORTHEAST, LLC (APPLICANT) – T-MOBILE WAW312B GTP DELAPLANE

A public hearing was held to consider an application to obtain a Category 20 Special Exception to install a ten (10) foot extension to an existing eighty (80) foot monopole and add three (3) panel antennas. The applicant also wishes to place three (3) ancillary equipment cabinets at the base of the pole. The property is located at 3175 Aspen Dale Lane off John Marshall Highway (Route 55), Marshall District, further identified as PIN #6031-63-0308-000. Susan Eddy, Chief of Planning, summarized the Special Exception application. Michael Jackson of Network Building & Consulting, LLC, spoke on behalf of the applicant seeking favorable consideration of the Special Exception application. Todd Benson, Piedmont Environmental Services; Milt Calvert, Marshall District; Barbara Von Elm, Marshall District; Kerry Hines, Marshall District; and Kitty Smith, Marshall District, spoke in opposition to the application. No one else spoke. The public hearing was closed. Mr. Schwartz moved to adopt the following resolution to deny the application. Mr. Trumbo seconded and, following discussion, the vote for the motion was unanimous as follows:

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| <i>Ayes:</i> | <i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. R. Holder Trumbo; Mr. Chester W. Stribling</i> |
| <i>Nays:</i> | <i>None</i> |
| <i>Absent During Vote:</i> | <i>None</i> |
| <i>Abstention:</i> | <i>None</i> |

RESOLUTION

A RESOLUTION TO DENY TWSE09-MA-002: CATEGORY 20 SPECIAL EXCEPTION TO INSTALL A TEN (10) FOOT EXTENSION TO AN EXISTING SEVENTY-EIGHT (78') FOOT MONOPOLE; ADD THREE (3) FLUSH MOUNT ANTENNAS; AND ADD THREE (3) ANCILLARY EQUIPMENT CABINETS AT THE BASE OF THE POLE

WHEREAS, Jackie Shay McNeal, owner, and T-Mobile Northeast, LLC, applicant are seeking Category 20 Special Exception approval to add a ten (10) foot extension to an existing 78' monopole on PIN #6031-63-0308-000; and

WHEREAS, on January 28, 2010, the Fauquier County Planning Commission held a public hearing on the Special Exception request and unanimously recommended that the application be denied; and

WHEREAS, on February 18, 2010, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors concurred with the Planning Commission and agreed that the application does not satisfy the standards of Zoning Ordinance Articles 5-006 and 5-2000; and

WHEREAS, in the matter of the Special Exception TWSE09-MA-002, the Board of Supervisors hereby makes the following affirmative findings and recommendation:

1. That the provisions of the Zoning Ordinance for a Special Exception are not met in this application, and that said application will negatively impact the public health, safety and welfare of residents of Fauquier County; and

2. The proposed use will hinder and discourage the appropriate development and use of adjacent land and buildings and impair the value of adjacent land and buildings in violation of Section 5-006 of the Zoning Ordinance; and

3. The proposed use will be incompatible with existing or planned development in the general area, as set forth in Section 5-006 of said Zoning Ordinance, and will be incompatible with the general area and the Comprehensive Plan; and

4. The proposed use fails to comply with and is not in conformity with all the applicable standards of Article 5 of said Zoning Ordinance and all other applicable requirements of said Zoning Ordinance; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of February 2010, That TWSE09-MA-002 be, and is hereby, denied.

COMPREHENSIVE PLAN AMENDMENT CPAM08-CR-005

A public hearing was held to consider an update to the Catlett, Calverton, Midland Village Service District Plan, Chapter 6 of the Fauquier County Comprehensive Plan. Kristen Slawter, Planner, reviewed the proposed Comprehensive Plan amendment. Richard Gerhardt, Cedar Run District; Carolyn Hartman, Cedar Run District; Kitty Smith, Marshall District; Todd Benson, Piedmont Environment Council; Suzanne Scheer, Cedar Run District; spoke in opposition to the newly proposed amendments to the Comprehensive Plan. Tom Nutt, Cedar Run District, spoke in support of the original citizens' plan. Dave Mailler, Scott District, spoke on behalf of the Citizens for Fauquier County, stated he looks forward to working with the staff and Board of Supervisors on any amendments. No one else spoke. The public hearing was closed. Mr. Graham moved to continue the public hearing and postpone action on this matter for up to sixty (60) days. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

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| Ayes: | <i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. R. Holder Trumbo; Mr. Chester W. Stribling</i> |
| Nays: | <i>None</i> |
| Absent During Vote: | <i>None</i> |
| Abstention: | <i>None</i> |

COMPREHENSIVE PLAN AMENDMENT CPAM10-XX-003

A public hearing was held to consider a Comprehensive Plan Amendment to Chapter 6 – Service Districts and Chapter 10 – Transportation to designate land within its Service District boundaries to be subject to the “Compact or Suburban Area” requirements of the Virginia Department of Transportation (VDOT) Secondary Street Acceptance Regulations. Frederick P.D. Carr, Director of Community Development, reviewed the proposed amendment to the

Comprehensive Plan. No one else spoke. The public hearing was closed. Mr. Trumbo moved to adopt the following resolution. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. R. Holder Trumbo; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO ADOPT CPAM10-XX-003 – A COMPREHENSIVE PLAN AMENDMENT TO CHAPTER 6 – SERVICE DISTRICTS AND CHAPTER 10 – TRANSPORTATION TO DESIGNATE LAND WITHIN ITS SERVICE DISTRICT BOUNDARIES TO BE SUBJECT TO THE “COMPACT OR SUBURBAN AREA” REQUIREMENTS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SECONDARY STREET ACCEPTANCE REGULATIONS

WHEREAS, VDOT enacted the Secondary Street Acceptance Regulations on July 1, 2009; and

WHEREAS, that action has resulted in “Area Types” associated with existing and planned population and development scale and setting design and connectivity principles for these categories; and

WHEREAS, the Fauquier County Comprehensive Plan expressed that Service Districts will be where our more compact and traditional town or village scale residential densities and business development will occur; and

WHEREAS, in the Service Districts such growth can be more effectively served through public facilities, services and utilities, be provided an interconnected public street network (including multi-purpose paths and sidewalks), and be more effectively connected to open spaces, parks and schools; and

WHEREAS, “Compact and Suburban Area Types” described in these enacted state regulations better fulfill the connectivity, pedestrian accommodation and more traditional streets the County envisions in its Service Districts; and

WHEREAS, the Board of Supervisors initiated an amendment to the Comprehensive Plan on October 8, 2009 to align the VDOT Secondary Street Acceptance Regulations with the Comprehensive Plan; and

WHEREAS, the Planning Commission conducted a public hearing on January 28, 2010 and unanimously recommended that the associated text amendments be adopted as presented; and

WHEREAS, on February 18, 2010, the Board of Supervisors held a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors finds that these Comprehensive Plan Amendments support good planning practice and the general welfare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 18th day of February 2010, That it adopts the amendments identified in CPAM10-XX-003 for Chapter 6 – Service Districts and Chapter 10 – Transportation as reflected in Attachments 3 and 4 of this agenda item.

With no further business, the meeting was adjourned at 9:07 P.M.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on February 18, 2010.

Paul S. McCulla
Clerk to the Board of Supervisors